

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA  
V.

**Joseph Allen Monaghan**

**CRIMINAL COMPLAINT**

Case Number: C-15-331M

Clerk, U.S. District Court  
Southern District of Texas  
FILED

MAR 21 2015

David J. Bradley, Clerk of Court

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/20/2015 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), **Joseph Allen Monaghan**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

**Robert Pina**

Continued on the attached sheet and made up part of this complaint



Yes



No

Submitted by reliable electronic means,

sworn to,

Signature attested telephonically per

Fed.R.Crim.P. 4.1, and probable cause

found:

Signature of Complainant

**Robert Pina**

Printed Name of Complainant

March 21, 2015

Date

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

## Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

## SYNOPSIS:

On March 20, 2015, Joseph Allen Monaghan, was arrested at the United States Border Patrol Checkpoint, south of Falfurrias, Texas, attempting to smuggle four undocumented aliens hidden in the trunk of a 2003 Ford Taurus.

## FACTS/PROBABLE CAUSE:

On March 20, 2015, Border Patrol Agent Rogelio Gonzalez, was working his assigned duties at the United States Border Patrol Checkpoint, south of Falfurrias, Texas. Working alongside agent Gonzalez was Border Patrol Agent Allen Foster and his service issued canine Milo-A. At approximately 7:50 am, a black Ford Taurus with a single male occupant approached agent Gonzalez's position on primary. As the vehicle was approaching agent Gonzalez, he noticed that it was abnormally laden in the rear trunk portion. According to agent Gonzalez the driver, later identified as Joseph Allen Monaghan, was wearing an orange, reflective vest, much like a construction worker would wear. When Monaghan stopped at primary, he cracked the driver side window slightly (approximately five inches down) and agent Gonzalez noticed 2 construction worker hardhats on the passenger seat. Monaghan seemed fidgety and uncomfortable once he had already stopped. Agent Gonzalez then proceeded to ask Monaghan if he was a United States Citizen. Monaghan hesitated and stated, "Yes." Agent Gonzalez then asked Monaghan where he was coming from, and Monaghan asked agent Gonzalez to repeat his question. Agent Gonzalez then repeated the question, and Monaghan stated he was looking for work in Pharr, Texas. Agent Gonzalez then asked Monaghan if the car belonged to him, Monaghan turned forward, then he turned back to agent Gonzalez and stated, "It could be mine, I just bought it." Agent Gonzalez then asked Monaghan as to when exactly had he purchased the vehicle and again Monaghan turned his head forward, then turned back to agent Gonzalez, but could not answer. Instead of Monaghan trying to answer agent Gonzalez's question, Monaghan tried handing him a sheet of paper.

During Agent Gonzalez's inspection, agent Foster signaled him that his canine had alerted to the trunk of the car. At that point, agent Gonzalez asked Monaghan for consent to open the trunk. Monaghan turned his attention away from agent Gonzalez, then turned back to him, hesitated, and shouted, "No! For what? I'm in a hurry!" Agent Gonzalez then advised Monaghan that the service canine had alerted to the trunk of the car and if he refused to open the trunk, then he would have to park in the secondary inspection area in order to allow the agents to inspect the trunk. Monaghan hesitantly agreed and proceeded to the secondary inspection area.

After Monaghan parked in secondary, according to agent Gonzalez, Monaghan's demeanor changed substantially and immediately became irate. Agent Gonzalez at that point instructed Monaghan to sit on the bench outside the checkpoint and after doing so, Monaghan stated in a loud voice, "Look, I'm in a hurry! I'm just trying to get to my work in Pasadena!" Agent Gonzalez found that statement to be odd being that just moments before Monaghan had stated that he was looking for work in Pharr. At that time, agent Foster utilized his service canine to perform a systematic search the vehicle and again his canine alerted to the back/trunk area of the car. Agent Foster and BPA Oscar Martinez then opened the trunk of the car and noticed four subjects crammed inside the trunk. BPA Martinez stated that when the trunk was opened, he felt the heat from the ambient air emanating from the trunk. Agents on scene also mentioned that the four subjects crammed in the trunk were sweating profusely. An immigration inspection was conducted on all four subjects and they admitted being illegally present in the United States. The four subjects, along with Monaghan, were then arrested and escorted inside the checkpoint.

**PRINCIPAL STATEMENT:**

Agent Gonzalez read Monaghan his Miranda Rights in English, his preferred language. Monaghan signed his rights accordingly, indicating he understood his rights. Monaghan then provided a statement without the presence of an attorney. BPA Foster witnessed the reading and signing of the rights.

Monaghan stated he was given a ride by three individuals from Pasadena, Texas, to a hotel in Pharr, Texas. Monaghan stated the purpose of the trip was to pick up a car and drive it back to Pasadena, Texas, as a favor for one of his friends. Monaghan stated that he arrived at a hotel in Pharr, Texas, on March 18, 2015. The following day, a man named David, dropped off the car and gave him money to buy food and feed some people who were also at the hotel in room # 25. Monaghan stated he did not know the people were undocumented aliens and that his only purpose for this trip was to drive the car back to Pasadena, Texas as a favor for David and as a cash opportunity, being that he was going to get compensated accordingly. Monaghan stated he did not know four people were in the trunk when he was arrested at the checkpoint, nor did he say he was going to get paid for this trip. When Monaghan was asked why he was wearing an orange reflective vest, he stated that he wore it because being that he is on parole, he was trying to pose as a construction worker hoping to get waved through the checkpoint with minimal to no questioning.

**MATERIAL WITNESSES STATEMENTS:**

Luciano SANTIAGO-Lopez and Olivia SALAZAR-Bravo were read their Miranda Rights in Spanish, their preferred language. SANTIAGO and SALAZAR signed their rights accordingly, indicating they understood their rights and both provided a statement without the presence of an attorney.

**MATERIAL WITNESS # 1 - LUCIANO SANTIAGO-LOPEZ:**

Luciano Santiago-Lopez, a citizen and national of Mexico, was to pay \$5, 000.00 to be smuggled to North Carolina. Santiago stated he illegally entered into the United States on March 16, 2015, near Hidalgo, Texas. After crossing the river, Santiago was picked up and driven to an unknown warehouse. After that, Santiago was taken to an unknown hotel where he stayed for one day. At that hotel, Santiago stated that a white man arrived at the hotel, knocked on the door and instructed all subjects to get in the trunk of a black car. Santiago was shown a photo line-up and was able to positively identify Monaghan as the white man who picked them up at the hotel and drove the black car that they were in. Santiago stated he was in the trunk of the car for an hour and a half without stopping at any point and that he feared for his life because it was hard to breathe. Santiago also feared for his life because of the driver's inconsistent speed.

**MATERIAL WITNESS # 2 - OLIVIA SALAZAR-BRAVO:**

Olivia SALAZAR-Bravo, a citizen and national of Mexico, was to pay \$3,000.00 to be smuggled to Indianapolis. Salazar stated she illegally entered into the United States on March 20, 2015, near Roma, Texas. After crossing the river, Salazar stated she was picked up and taken to a small warehouse. After five hours, they were picked up and taken to an unknown hotel. After that, Salazar stated that a white man with tattoos on his hands knocked on the door and instructed them to go with him. The man then opened the trunk of a black car and instructed them to get inside. Salazar was able to positively identify Monaghan in a photo lineup as the man who picked them up at the hotel and instructed them to enter the trunk. Salazar also stated that she feared for her life because it was hot and difficult to breathe while she was inside the trunk.

The other two undocumented aliens found in the trunk were interviewed and did not make any exculpatory statements.

A vehicle registration check was conducted by agents and revealed that the vehicle was not registered to Monaghan.

CASE DISPOSITION:

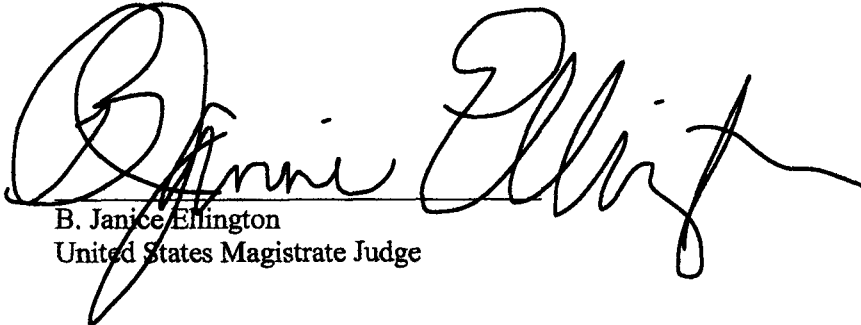
As per the Rio Grande Valley Sector Prosecutions North Office, prosecution was sought on Monaghan under 8 USC 1324 for his felony involvement as the driver in this Criminal Alien Smuggling Case. Santiago and Salazar were processed accordingly and will be held as Material Witnesses for their involvement in this case (as smuggled aliens).

The facts of this case were presented to Assistant United States Attorney Lance Watt who accepted Joseph Allen MONAGHAN for prosecution of 8 USC 1324, Alien Smuggling.



Robert Pina  
Border Patrol Agent

Submitted by reliable electronic means, sworn to,  
Signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this 21<sup>st</sup> day of  
March 2015,



B. Janice Ellington  
United States Magistrate Judge